MONDAY, APRIL 24, 1978

EIGHTY-FOURTH LEGISLATIVE DAY

The House met at 4:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative Charles Ashford of Shelby County.

Representative Ashford led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 99

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No.

2534 — To regulate Board of School Commissioners, Lincoln County; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

2588 — To provide for certain election, Sullivan County; substituted for Senate Bill on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

RESOLUTIONS LYING OVER

Senate Joint Resolution No. 264 — Relative to commending Sharon Harrison.

Under the rules, Senate Joint Resolution No. 264 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 265 — Relative to commending Virginia Adams.

Under the rules, Senate Joint Resolution No. 265 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 266 — Relative to commending Dorothy Ruth Primm.

Under the rules, Senate Joint Resolution No. 266 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 268 — Relative to Waverly disaster.

Under the rules, Senate Joint Resolution No. 268 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 271 — Relative to commending Johnson City Press Chronicle.

Under the rules, Senate Joint Resolution No. 271 was referred to the Committee on Calendar and Rules.

Senate Joint Resolution No. 272 — Relative to honoring Linda Faye Moore.

Under the rules, Senate Joint Resolution No. 272 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 423 — Relative to expressing General Assembly's intention with regard to House Bill No. 2441 (SB 2386).

Under the rules, House Joint Resolution No. 423 was referred to the Committee on Calendar and Rules.

Mr. Henry moved that the rules be suspended for the purpose of introducing House Resolution No. 193 out of order, which motion prevailed.

House Resolution No. 193 — Relative to congratulating Garrard "Buster" Ramsey — By Henry and Stafford.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Henry, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Henry moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 558 out of order, which motion prevailed.

House Joint Resolution No. 558 — Relative to honoring memory, Dr. Charles E. Trotter, Jr. — By Henry.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Henry, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Scruggs moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 566 out of order, which motion prevailed.

House Joint Resolution No. 566 — Relative to honoring Coach Ray Mears — By Scruggs, Ashford, Atchley, Bell, Bewley, Bishop, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Scruggs, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Naifeh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 567 out of order, which motion prevailed.

House Joint Resolution No. 567 — Relative to memory, William Bryan Bishop — By Naifeh, Lashlee, Stallings, Fuqua, Davidson (Wayne), Tanner, Butler, Lanier, Murray (Madison), Wallace, Wolfe, Stafford and Mr. Speaker McWherter.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Naifeh, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Scruggs moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 568 out of order, which motion prevailed.

House Joint Resolution No. 568 — Relative to commending Cliff Wettig — By Scruggs, Nolan, Miller, Hall, Atchley, Robertson, Richards and Smith.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Scruggs, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Scruggs moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 569 out of order, which motion prevailed.

House Joint Resolution No. 569 — Relative to honoring Aubrey J. Wagner — By Scruggs, Richardson, Smith, Stafford, Miller, Watson, Bell, Murray (Franklin), Hall, Jensen and Nolan.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Scruggs, the resolution was adopted.

A motion to reconsider was tabled.

On motion of Mr. Johnson, Senate Joint Resolution No. 259 was recalled from the Committee on Calendar and Rules.

Mr. Johnson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 259, which motion prevailed.

Senate Joint Resolution No. 259 — Relative to Golden Anniversary, Future Farmers of America.

On motion of Mr. Johnson, the resolution was concurred in.

A motion to reconsider was tabled.

Mr. Johnson moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 274, which motion prevailed.

Senate Joint Resolution No. 274 — Relative to naming trail, "Allison's Trail".

Mr. Johnson moved that Senate Joint Resolution No. 274 be concurred in, which motion prevailed by the following vote:

Ayes	
Noes	 0

Representatives voting aye were: Ashford, Atchley, Bell, Bewley, Bishop, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Bussart, Butler, Byrd, Carter, Cawood, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Henry, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Starnes, Steinhauer, Sterling, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 90.

A motion to reconsider was tabled.

On motion of Mr. Ashford, his name was removed as prime sponsor of House Bill No. 2578 and 2579.

Mr. Chiles moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 559 out of order, which motion prevailed.

House Joint Resolution No. 559—Relative to honoring memory, Mr. W. Lipscomb Davis—By Chiles.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Chiles, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Murphy (Davidson) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 565 out of order, which motion prevailed.

House Joint Resolution No. 565 — Relative to declaring Legislative intent, amendment 1, House Bill 2338 — By Murphy (Davidson).

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Murphy (Davidson), the resolution lies over.

Mr. Elkins moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 560 out of order, which motion prevailed.

House Joint Resolution No. 560 — Relative to honoring R. Lynn Seeber — By Elkins and Scruggs.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Elkins, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Ozment asked to be recorded as "present and not voting" on House Joint Resolution No. 560.

Mr. Love moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 562 out of order, which motion prevailed.

House Joint Resolution No. 562 — Relative to honoring Wilma Rudolph Eldridge — By Love.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Love, the resolution was adopted.

A motion to reconsider was tabled.

Mr. Love moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 563 out of order, which motion prevailed.

House Joint Resolution No. 563 — Relative to paying tribute to Ed Temple — By Love.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Love, the resolution was adopted.

A motion to reconsider was tabled.

NOTICE TO OVERRIDE VETO

MR. SPEAKER: I hereby file notice under House Rule No. 76 that I plan to move House Bill No. 737 for passage, notwithstanding the objections of the Executive.

I. H. MURPHY

Under the rules, the motion lies over.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 2009 — To regulate pardons and paroles.

SENATE AMENDMENT NO. 3

Amend House Bill No. 2009 by deleting Section 1 in its entirety and substituting instead the following:

SECTION 1. The board shall consist of five (5) members who shall be appointed by the governor. Each appointee shall hold office for a term of six (6) years, or until their successor has been appointed and qualified. However, in the initial appointment of the two (2) additional members to be appointed, one (1) to be effective July 1, 1978 and one (1) to be effective February 1, 1979, appointed for a term of three (3) years and one (1) shall be appointed for a term of five (5) years. Members shall be eligible for reappointment at the expiration of their terms. In considering persons for appointment, the governor shall take into account the prospective member's training, education, background, and experience in the criminal justice system. Vacancies occurring in an office of a member of the board before the expiration of his term by reason of death, resignation, removal or any other reason shall be filled in the same manner as the original appointment for the remainder of the term.

The Division of Probation and Parole for Adult Services and its director shall be under the administrative control of the Commissioner of Correction, other language in this chapter notwithstanding.

FURTHER AMEND by deleting from the third line of Section 2 the word "Five" and substituting instead the word "Three".

FURTHER AMEND by deleting Section 7 in its entirety and renumbering the sections accordingly.

AMENDMENT NO. 2 TO AMENDMENT NO. 3

Amend Amendment No. 3 by adding to the end of the first paragraph of Section 1 the following:

Each such appointment shall be subject to confirmation by the General Assembly. If the General Assembly is in session when an appointment is made, confirmation shall be via a majority vote of each House, voting separately. (If the General Assembly is not in session when an appointment is made, interim confirmation shall be by a majority vote of a committee consisting of the Speaker of the Senate, who shall serve as Chairman, four (4) members of the Senate who shall be appointed by the Speaker of the Speaker of the House and four (4) members of the House who shall be appointed by the Speaker of the House. Any such interim appointments will expire during the next session of the General Assembly unless re-confirmed by a majority vote of each House, voting separately.)

Mr. Murray (Madison) moved that the House concur in Senate Amendment No. 3, as amended, which motion prevailed by the following vote:

Ayes		96
Noes	·	

Representatives voting aye were: Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhimehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 96.

A motion to reconsider was tabled.

SECOND ROLL CALL

A roll call was taken with the following results:

Representatives present were: Ashford, Atchley, Bell, Bewley, Bishop, Bissell, Blackburn, Bragg, Brewer, Buck, Burks, Burleson, Burnett (Fentress), Burnett (Sumner), Bussart, Butler, Byrd, Carter, Cawood, Chiles, Clark, Cobb, Copeland, Darnell, Davidson (Robertson), Davidson (Wayne), Davis, DeBerry, DePriest, Dixon, Elkins, Ellis, Fisher, Fleming, Ford (Cocke), Ford (Shelby), Fuqua, Gaia, Gill, Good, Hall, Henry, Hillis, Hood, Hurley, Jensen, Johnson, Kernell, King, Lanier, Lashlee, Ledford, Longley, Love, McAfee, McKinney, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray (Franklin), Murray (Madison), Naifeh, Nolan, Ozment, Phillips, Pickering, Pruitt, Rhinehart, Richards, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Steinhauer, Sterling, Tanner, Turner, Wallace, Watson, Webb, Williams, Withers, Wolfe, Wood, Work, Yelton, Young and Mr. Speaker McWherter — 99.

INTRODUCTION OF RESOLUTIONS

House Resolution No. 184 — Relative to offering best wishes to Tom Griscom — By Davis, Robinson (Hamilton), Starnes, Wood, McAfee, Carter and Copeland.

Under the rules, House Resolution No. 184 was referred to the Committee on Calendar and Rules.

House Resolution No. 186 — Relative to memory, Fred O. Carter — By Watson.

Under the rules, House Resolution No. 186 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 556 — Relative to memory, Hugh C. Standridge — By Watson.

Under the rules, House Joint Resolution No. 556 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 557 — Relative to acquiring gravesite of Nancy Ward — By Watson and Longley.

Under the rules, House Joint Resolution No. 557 was referred to the Committee on Calendar and Rules.

House Resolution No. 187 — Relative to congratulating Gloria Dailey — By Murphy (Davidson).

Under the rules, House Resolution No. 187 was referred to the Committee on Calendar and Rules.

House Resolution No. 188 — Relative to commending William Owen — By Murphy (Davidson) and Bell.

Under the Rules, House Resolution No. 188 was referred to the Committee on Calendar and Rules.

House Resolution No. 189 — Relative to commending Donald Cook — By Murphy (Davidson).

Under the rules, House Resolution No. 189 was referred to the Committee on Calendar and Rules.

House Resolution No. 190 — Relative to commending Minh Vien Dao — By Murphy (Davidson).

Under the rules, House Resolution No. 190 was referred to the Committee on Calendar and Rules.

House Resolution No. 191 — Relative to commending Robert Montgomery — By Murphy (Shelby) and Murphy (Davidson).

Under the rules, House Resolution No. 191 was referred to the Committee on Calendar and Rules.

House Resolution No. 192—Relative to commending Harry "Kip" Butz—By Murphy (Shelby) and Murphy (Davidson).

Under the rules, House Resolution No. 192 was referred to the Committee on Calendar and Rules.

Mr. Jensen moved that Rule No. 75 be suspended in regard to House Bills Nos. 2601, 2607, 2611, 2602, 2604 and 2614, to allow said bills to be introduced and considered by the House in the same manner as bills introduced before January 30, 1978, which motion prevailed.

On motion of Mr. Jensen, the rules were suspended for the following bills to pass first reading today — House Bills Nos. 2603, 2605, 2606, 2608, 2609, 2610, 2612, 2613, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622 and 2623.

INTRODUCTION OF BILLS

House Bill No. 2600 — To amend Chapter 584, Private Acts, 1951 — By Lashlee and Butler.

Passed first reading.

House Bill No. 2601 — To clarify certain portions, Obscenity Act of 1978 — By Murray (Madison) and Scruggs.

Passed first reading.

House Bill No. 2602 — To amend Chapter 816, Public Acts, 1978 — By Love.

Passed first reading.

House Bill No. 2603 — To provide for non-partisan election, county officials, Rhea County — By Carter.

Passed first reading.

House Bill No. 2604 — To amend Chapter 906 of the Public Acts of 1978 — By Davis.

Passed first reading.

House Bill No. 2605 — To amend Chapter 720 of the Private Acts of 1949 — By Wallace.

Passed first reading.

House Bill No. 2606 — To amend Chapter 26 of Private Acts of 1933 — By Wallace.

Passed first reading.

House Bill No. 2607 — To amend Chapter 585 of Public Acts of 1978 — By Jensen.

Passed first reading.

House Bill No. 2608 — To regulate compensation, aldermen in the city of Portland — By Burnett (Sumner).

Passed first reading.

House Bill No. 2609 — To prohibit sale of alcoholic beverages in certain counties — By Blackburn, Yelton, Hood, Robinson (Washington) and Hurley.

Passed first reading.

House Bill No. 2610 — To make provisions, enforcement of Wheel Tax, Houston County — By Pickering.

Passed first reading.

House Bill No. 2611 — To amend Chapter 743 of Public Acts of 1978 — By Buck.

Passed first reading.

House Bill No. 2612 — To make provisions, election districts, Roane County Board of Education — By Cawood and Ledford.

Passed first reading.

House Bill No. 2613 — To amend Chapter 96 of Private Acts of 1969 — By Carter, Starnes, Davis, Copeland, McAfee, Robinson (Hamilton) and Wood.

Passed first reading.

House Bill No. 2614 — To amend Section 2-207, Code — By Jensen and Burnett (Fentress).

Passed first reading.

House Bill No. 2615 — To make provisions, Knox County Superintendent of Public Instruction — By Jensen, Scruggs, Smith and Hall.

Passed first reading.

House Bill No. 2616 — To provide certain jurisdiction, county judge of Clay County — By Dixon.

Passed first reading.

House Bill No. 2617 — To provide certain jurisdiction, county judge of Pickett County — By Dixon.

Passed first reading.

House Bill No. 2618 — To provide certain jurisdiction, county judge of Scott County — By Dixon.

Passed first reading.

House Bill No. 2619 — To make provisions, vice mayor of town of Gleason — By Tanner.

Passed first reading.

House Bill No. 2620 — To make provisions, Volunteer General Hospital, City of Martin — By Tanner.

Passed first reading.

House Bill No. 2621 — To amend Title 16, Chapter 2, Code — By Burnett (Fentress).

Passed first reading.

House Bill No. 2622 — To regulate certain expense accounts, Knox County officers and ployees — By Jensen and Miller.

Passed first reading.

House Bill No. 2623 — To amend Charter, Grand Junction — By Stallings.

Passed first reading.

HOUSE BILLS ON SECOND READING

House Bill No. 2596 — To amend Section 16-501, Code.

Passed second reading and referred to Committee on Judiciary.

House Bill No. 2598 — To make certain provisions, housing authorities.

Passed second reading and referred to Committee on Judiciary.

House Bill No. 2599 — To amend Section 16-236, Code.

Passed second reading and referred to Committee on Judiciary.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

267 — To amend Sections 67-4102 and 8-3932, Code.

The Senate passed House Bill No. 267, the Governor's objections to the contrary notwithsding.

> CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

2381 — To amend Section 23-1506, Code; substituted for Senate Bills on same subject and seed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

2097 - To amend Sections 2-214, 2-215 and 2-216, Code.

The Speaker appointed a Conference Committee composed of Senators Ashe, Neal and Thomas to confer with a like Committee from the House in resolving the differences of the two bodies on House Bill No. 2097.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

2437 - To amend Section 53-1301, Code.

The Speaker appointed a Conference Committee composed of Senators Henry, Koella and Crouch to confer with a like Committee from the House in resolving differences of the two bodies on House Bill No. 2437.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

2101 — To amend Title 13, Chapter 7, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolutions Nos. 558, 559, 560, 562, 563, 566, 567, 568 and 569; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND, Chief Engrossing Clerk.

On motion of Mr. Burnett (Fentress), the House adjourned until 2:00 p.m. tomorrow.